

SUMMARY RECORD (PLENARY SESSION)
NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC)

APRIL 27-29, 1996
CROWN PLAZA PARC 55 HOTEL
SAN FRANCISCO, CALIFORNIA

1. BACKGROUND

On call of its Sponsor, Rear Admiral Rudy K. Peschel, and after public notice in the Federal Register (61 FR 13225), a joint meeting of the Navigation Safety Advisory Council (NAVSAC) and National Boating Safety Advisory Council (NBSAC) was held on April 27-29, 1996, in San Francisco, California. The meeting opened on Saturday morning with separate NAVSAC and NBSAC plenary sessions, followed by a joint plenary session. Committee meetings, comprised of both Councils, were held on Sunday morning. NAVSAC and NBSAC met in joint session on Monday morning and concluded the meeting in separate plenary sessions on Monday afternoon.

This report is a summary of the joint Council plenary sessions and NAVSAC proceedings, conclusions and actions during the sessions. Subject to Section 552 of Title 5, United States Code, the records, reports, transcripts, minutes, appendices, working papers, draft studies, agenda and other documents which were made available to and/or prepared by the Council are available for public inspection and copying at the office of the Executive Director, Margie G. Hegy, U.S. Coast Guard (G-MOV-3), 2100 Second Street SW, Washington, DC 20593-0001. NBSAC proceedings can be obtained from Albert J. Marmo, NBSAC Executive Director, U.S. Coast Guard (G-OPB-1), 2100 Second Street, SW, Washington, DC 20593-0001. An attendance list for all sessions in which NAVSAC participated is attached as Appendix I.

2. OPENING OF MEETING

Chairman Anthony Fugaro called the opening NAVSAC plenary session to order at 8 a.m. on Saturday, April 27, 1996. The first order of business was adoption of the Summary Record from the November 1995 NAVSAC meeting. The Summary Record was adopted with the understanding that page 3 would be changed to include the substance of exceptions noted by Mr. Sheetz to resolution [95-08] regarding the SOLAS Chapter 5 amendments.

After the Executive Director's Status Report (Appendix II), Dr. Martha Grabowski updated the Council on the Crew Size Model Project which NAVSAC has previously provided comments on. Dr. Grabowski began by formally thanking her fellow NAVSAC members for the time they spent reviewing and providing comments. Dr. Grabowski's update raised several questions such as "How are you going to define "rest periods" when IMO has no definition?"; "How is "length of voyage" reflected?"; and "Is there a hidden agenda?" Dr. Grabowski said these concerns would be taken into consideration and NAVSAC would be kept up-to-date on the project.

Mr. Clay Mock of the U.S. Sailing Association presented a proposal for NAVSAC consideration to clarify application of the International Yacht Racing Rules. The proposal would amend Inland Navigation Rule 1 to incorporate by reference the International Yacht Racing Rules for application to all sailboats racing under these rules, but without application to vessels which are not racing. The proposed language of the amendment is as follows:

The International Yacht Racing Rules effective at the time of the race, including US SAILING prescriptions, pertaining to navigational right-of-way, collision avoidance, steering and sailing, lights and shapes, and sound and light signals are applicable to sailing vessels while engaged in racing within the geographic area and time specified herein. A sailing vessel is engaged in racing when sailing with the intent of participation in a race. The area in which the Racing Rules apply to a sailing vessel engaged in racing is the area within 500 meters of the starting line, the area through which vessels engaged in racing pass as they sail the race course, and the area within 500 meters of the finishing line; the time during which the Racing Rules apply begins when the starting line is set or one hour prior to the scheduled starting time of the first race of the day, whichever is later, and continues until she has left the area of applicability. This provision does not affect the rights or obligations under the Inland Rules of vessels not engaged in racing. Sailing vessels engaged in racing shall be bound by the Inland Rules with respect to all vessels not engaged in racing. When a sailing vessel is in any doubt as to whether another sailing vessel is governed by

the Racing Rules, she shall assume that the other vessel is not governed by the Racing Rules and act accordingly.

Mr. Mock provided background information on the U.S. Sailing Association, which falls under the Congressional Sports Act, and sets the rules for all sailing events including the Olympics. He felt the amendment was needed to clarify when and to whom the Racing Rules applied. NAVSAC had various concerns about the proposal including whether they belonged in the Navigation Rules which are for the purpose of avoiding collisions. A motion was passed to table the discussion and bring it up later in the meeting.

Rear Admiral Peschel welcomed the group and spoke briefly on Coast Guard streamlining and his expectations for the joint NAVSAC/NBSAC meeting. With the reorganization, NAVSAC moves to Marine Safety and Environmental Protection and the Office of Navigation Safety and Waterway Services merges with the Operations Directorate. Rear Admiral Jim Card will take over as NAVSAC sponsor.

Commander Douglas Taggart gave an informational brief on the status of differential global positioning system (DGPS) and the Coast Guard's radionavigational responsibilities.

The meeting was adjourned at 10 a.m. and reconvened in joint session with NBSAC at 10:20 a.m. Rear Admiral Peschel kicked off the joint session with general remarks and introduced Vice Admiral Richard Herr, Commander, Pacific Area, who welcomed the group to San Francisco.

The following baseline information briefs were presented:

- Recreational Boating Safety Update - Captain J. A. Stimatz, Chief, Boating Safety Division
- Proposed Changes to Regatta and Marine Event Regulations - Albert J. Marmo, Executive Director, NBSAC
- Status of Nautical Charting Programs - Captain David B. MacFarland, Chief, Marine Charting Division, National Ocean Service, NOAA
- Multiple Use Waterway Management Guide - Peter O'Connell, President, National Water Safety Congress and Kathleen Warke, J. M. Lamm Associates
- Interagency Committee on Waterways Management - Captain J. A. Stimatz
- Waterways Management R&D Project - Margie Hegy, Executive Director, NAVSAC

The two Councils then participated in a facilitated issue prioritization exercise. They were broken into three groups (members listed in Appendix III) to discuss concerns from the perspective of waterway managers, recreational users, and commercial users. Captain Stimatz explained that each group would go to a different room and have an hour to brainstorm issues from the perspective they had been assigned. Each member would have an opportunity to be heard and own the issue raised. The issues would then be discussed and categorized and then prioritized. A member from each group would then report in joint plenary session on the groups' efforts.

3. ISSUE PRIORITIZATION EXERCISE REPORTS

A. WATERWAY MANAGER PERSPECTIVE Larry Rhinehart (NBSAC), Spokesman.

After brainstorming, the group categorized the issues into ten categories. Then they voted on which of the ten were the most important. The number one concern was education, followed by uniformity, communication, enforcement and uniformity (law enforcement and regulations) tied for fourth, and funding.

The group discussed the following issues in these five categories that affect a waterway manager's ability to do the job:

(1) Education.

- Educating the user.

- Awareness of handling/maneuvering characteristics of commercial vessels.
- Convincing legislators of the importance of regulations - updating, keep up - turnover of politicians.
- Ensure the users know the Rules of the Road (all users).
- Awareness of commercial vessel reaction.
- Understanding physical characteristic of waterway.
- Drinking, speeding -- is it a problem?
- Customer group awareness of other customer group needs -- how each uses the waterway.
- Testing incompetence.
- Locals versus outsiders.
- Licensing waterway users.

(2) Communication.

- Convincing legislators of the importance of regulations - updating, keeping up - turnover of politicians.
- Forum of waterway users to deal with issues.
- Don't display signage until rule is in effect and enforced
- Identify information vehicles.
- Customer group awareness of other customer group needs -- how each uses the waterway.
- Media relations.
- Locals versus outsiders.

(3) Funding.

- How can I ensure that everyone pays their share for the services/resources they want from the waterways manager and the resources?
- Funding sources.
- How will downsizing affect your management of the waterway?
- Availability of resources

(4) Law enforcement (uniformity/regulations).

- Lack of or inadequate law enforcement presence.
- Overlapping jurisdiction and lack of coordination concerning regulations.
- Don't display signage until rule is in effect and enforced.
- Drinking, speeding -- is it a problem?
- Licensing waterway users.

(5) Waterway services.

- Time restrictions.
- How will downsizing affect management of the waterway?
- Control of population of users, capacity.
- Special event, regattas, op sails.
- Non-traditional boating.

(6) Politics.

- Convincing legislators of the importance of regulations - updating, keeping up - turnover of politicians.
- Who is I my “master”?
- How will downsizing affect management of the waterway?
- Ability to make waterway management decisions and not be overridden.

(7) Uniformity.

(8) Environment.

- Understanding physical characteristics of waterway.
- Predict factors (environmental) beyond your control and contingency planning for the unexpected.
- How weather affects the waterway.

(9) Planning.

- Strategic planning to ensure/consider waterway usage as it relates to real estate development around the waterway.

(10) Cooperation/partnering

- Availability of resources.

B. RECREATIONAL BOATER PERSPECTIVE Gretchen Grover (NAVSAC), Spokesperson.

The group came up with 32 different issues and grouped them into seven basic categories. The categories were then prioritized with education the number one concern, followed by enforcement, licensing and certification, regulations, waterways management, communication, and jurisdiction. The issues discussed within these categories are as follows:

(1) Education/Certification.

- Model national mandatory boating education program.
- PFDs - recreational boaters outlook.
- Clarification of use of a lookout on recreational boat.
- Practical and realistic education, training and enforcement.
- Responsibility for the environment and ecology.

- Incentives from marine industry, marinas, insurance companies to promote boating safety education.
- Large commercial vessels on weekends - awareness.
- Defining education needs depending on type of vessel to be operated.

(2) Enforcement.

- Inadequate enforcement presence for our existing laws.
- Coast Guard image - COPS
- Too much enforcement - regional.

(3) Licensing.

- Require boating safety certification ages x and above.
- National versus state licensing/certification.
- Licensing/certification - above y hp, or z feet - regardless of age.
- Certification for special boat operation.
- Requiring operator license or mandatory education to retain boat numbering.

(4) Regulations.

- Too many regs.
- Creation of regulations for rental operations.
- Speeding - escalating hp/operation.
- Exemption from certain construction standards for personal watercraft.
- Create a model boating safety program on a federal impoundment.

(5) Waterways Management

- Congestion -- too many boats on the water.
- More access to the waterways.
- Large commercial vessels on weekends -- awareness.
- Conflicts between water/users/uses.

(6) Communication.

- Communication forum between recreational boaters and merchant mariners.
- Product defects/recalls.
- Perception of personal watercraft (PWC) operators/operation.
- Review of USCG grants - interim progress by recreational boating community.

(7) Jurisdiction/Uniformity.

- If not NOAA, who will be responsible for recreational charting?
- Uniformity of federal laws on waters of all federal jurisdiction.

- Dredging.
- Uniform laws within state/municipal conflicts.

C. COMMERCIAL VESSEL OPERATOR PERSPECTIVE Susan Balistreri (NBSAC), Spokesperson.

The three priorities of this group were mandatory education, conflict use resolution, and accountability of operator. The issues discussed in these categories are as follows:

(1) Mandatory Education.

- Two way awareness.
- Standard qualifications of rental boaters.

(2) Conflict Use Resolution.

- Specific time and location for recreational boaters.
- The point bend system in the Mississippi River.
- Effective enforcement of existing regulations.
- Problems between states and locals on jet ski operation.

(3) Operator Accountability

- Education and appropriate use of technology by all users.
- Mandatory licensing.

After the reports, Captain Stimatz facilitated a session of both Councils to prioritize and define the three working group issues.

Education showed up as the number one issue on all three lists. The members defined the categories as follows:

(1) Education.

- Awareness by the recreational boater of what it takes to stop or turn a commercial vessel.
- Knowledge of the environment (physicality of waterways).
- Knowledge of the Rules of the Road.
- Knowledge of other craft's capabilities.
- Educate managers.
- Politics - raise awareness of politicians.
- Demonstration of knowledge and skills.
- Model of consistency -- generic information and class specific information on the type of vessel being operated.
- Specific for the region of the craft.
- Awareness of risk in other areas.
- Education of non-boaters, i.e. shoreline residents, casual water users, swimmers.

(2) Uniformity.

- Education.
- Law Enforcement.
- Signage.
- Usage of Waterways.

(3) Communication.

- Between actual users - commercial, maritime, and recreational boaters.
- Product defects and recalls.
- Review of Coast Guard grants.
- Progress reports to user community.
- Interaction between boaters, variety of different entities and media relations.
- Notification of signage.
- Real time operator communication.

(4) Enforcement

- Recreational licensing, vehicle to enforce, level playing field on commercial and recreational.
- Presence of resources - too much in some areas not enough in others.
- Coast Guard image - recreational boaters perceive the Coast Guard as cops which negates the good things the Coast Guard does.
- Uniformity of enforcement.

(5) Planning.

- Restrict development around waterways.
- Eliminate problems.
- Contingency for factors beyond your control.
- Avoid conflicts.
- Coordination between other jurisdiction enforcement agencies.
- Special events.
- Demographics.

(6) Funding.

- User fee.
 - Direct
 - Taxes
- Adequate resources for priority programs.
- Partnership, sharing of resources.

- Full funding as authorized.
- Fair share by user group.
- Restricted revenue accounts, money for Coast Guard services goes to the Coast Guard instead of General Treasury account.

(7) Conflict Resolution.

- Adequate enforcement.
- International solutions and reassurances.
- Competing needs of waterway users.
- Congestion -- too many boats.
- Scheduling- number and access issues

(8) Licensing/certification.

- Targeting rental boats.
- Required certification for ages x and above.
- Required licensing for y hp or greater or z feet or greater, regardless of age.
- Special purpose certification.
- Appropriate use of technology.

(9) Regulations.

- Too much.
- Reduce duplicity.
- Create for rental operations.
- Need speed and horsepower rules.
- Minimize exemptions.
- Reduce overlap.
- Reduce conflict.

The members then prioritized the issues by voting on the issues they felt should be addressed by NAVSAC and NBSAC, the Coast Guard, and other partners. The issues were prioritized as follows:

1. Education/certification
2. Enforcement
3. Uniformity
4. Licensing
5. Communications
6. Regulations
7. Conflict Resolution
8. Planning
9. Funding

Rear Admiral Peschel concluded the meeting by expressing his view that the way to resolve conflict is to know “Where are we? and Where are they?” He feels that the role of technology is often overlooked in resolving conflicts. He offered the following as food for thought:

TECHNOLOGY

COMMUNICATIONS

- Digital Selective Calling (DSC)
- Traffic Separation Schemes (TSS)

CHARTING

- Electronic Charting Systems (ECS)
- Limited theme techniques
- Electronic Chart Display and Information System (ECDIS)

NAVIGATION TOOLS

- Global Positioning System (GPS)
- Radar Overlays
- Etc.

The meeting adjourned at 6:10 p.m.

NAVSAC and NBSAC reconvened in joint plenary session at 8 a.m. on Monday, April 29, 1996.

Betty Hutto expressed her sorrow at the passing of Lester Bedient and made the following motion which was passed unanimously:

[96-01] One, that NAVSAC members personally, who feel so inclined, write letters to Lester Bedient's survivors expressing their appreciation for him; and secondly, that the Coast Guard prepare a suitable memorial plaque or certificate and send it to his surviving family.

4. COMMITTEE REPORTS

A. REPORT OF THE PREVENTION THROUGH PEOPLE COMMITTEE (members and participants appear in Appendix I of this Summary Record).

Captain Michael Nesbitt reported as Chairman of the Committee. The Committee was comprised of NAVSAC and NBSAC members (see Appendix I). Captain Nesbitt reported on the status of the following short term and long term goals developed at the November 1995 NAVSAC meeting:

- (1) Joint NAVSAC and NBSAC meeting Done. The need for the joint meeting was to get more involvement in PTP, not just from the commercial industry, but the recreational boaters.
- (2) Develop a corporate creed After considerable thought, this changed because of the need to find out from industry what they thought the corporate creed should be instead of imposing what NAVSAC came up with on them.
- (3) Research existing near-miss programs This is being done by Gary Welsh and is underway. There is a lot more work to do, but he has gotten information from some large companies about what they are doing.
- (4) Coordinate with QAT on data collection Done, just wanted to make sure NAVSAC wasn't duplicating things that had already been done.
- (5) Identification of communication vehicles This is a work in progress. NBSAC was very helpful in identifying more newspapers and magazines that reach the populace as a whole.

- (6) Identification of harbor committees and industry organizations as a mechanism for distributing information Work in progress.
- (7) Questionnaire on safety programs Developed and distributed. Responses have been interesting. One company wanted to be truthful but didn't want to use its name. Some people called to tell what they thought about PTP but a lot of companies haven't embraced it yet. They felt that PTP was not finalized and could be confusing; that it was too abstract still; and that the implementation plan needed to be finalized before they would be comfortable with it. Other organizations are working on PTP and it seemed like a mode of competition on ownership of the PTP initiative. Need a single focus on PTP to avoid duplication of effort by various committees.
- (8) Create a boating safety industry work group This is a long term goal that has been initiated but still ongoing.
- (9) Define near-miss unsafe action This is underway, but is difficult because everyone has an opinion on what an unsafe action is.
- (10) Evidence of corporate culture change A difficult long term goal that the Committee will continue to work on.
- (11) Standardize data collection Still being investigated to ensure that it is not a duplication of effort.
- (12) Establish communication process, publish data, publish lessons learned, and spotlight success Ongoing.
- (13) Review harbor committee recommendations This is ongoing. It appears that local Coast Guard units have set up their own PTP initiatives and are reaching out to local industry.

Captain Nesbitt gave a brief summary of Captain George Wright's discussion of the latest draft of the PTP Implementation Plan. The Coast Guard wants company feedback and plans to solicit through the Federal Register. The Committee is a little frustrated on where NAVSAC should be going with this and what it is going to look like. The Coast Guard has committed funding to the PTP initiative which implies that they are taking responsibility for it.

The joint PTP Committee agreed to the following short term objectives:

- (1) Establish mechanism of communication between NAVSAC and NBSAC DONE. Jim Snyder agreed to Chair NBSAC's PTP Committee and link to NAVSAC.
- (2) Understand each Council's role.
- (3) Define what has already been done and avoid duplication. Establish a public relations strategy.
- (4) Discuss further Coast Guard support for PTP. Concern was raised whether program would crash and burn when RADM Card left and other organizational changes occur.
- (5) What can both Council's do in their own area Ongoing
- (6) Identify organizations to be include in the PTP process.

The following long term goals were identified:

- (1) Lessen the US versus THEM mentality between the Councils
- (2) Identify collaborative relationship between the Federal, state and local levels.
- (3) PTP Process. Recognize and incorporate a people-oriented approach and address critical safety concerns.
- (4) NAVSAC and NBSAC role development strategy to handle assessments and coordination

- (5) Finalize PTP Implementation Plan Coast Guard needs to do this. It contains a lot of stuff and is hard to put your hands on. Need to take a harder look at it and maybe condense it.
- (6) Identify difficult issues to a near-miss data collection threshold measurement of the behavior change and what can be identified as correctable.
- (7) Cooperation, not competition, between the various working groups with guidance and support from the Coast Guard.
- (8) Acceptance of PTP is nebulous Will have to be satisfied with baby steps and gradual successes.

The issue of trust was raised as critical to the success of PTP. There is reluctance among the maritime community to do a lot because they are not convinced the program will continue with a change in Coast Guard personnel. Trust is also an issue in regard to collecting information on near-miss occurrences. Unless the person giving the information can trust they will not be brought to task for sharing the information, you cannot succeed. It was also suggested that information might be given more freely if names of providers were eliminated.

B. REPORT OF THE VESSEL VISIBILITY AND IDENTIFICATION COMMITTEE (members and participants appear in Appendix I of this Summary Record.)

Commander Ann Sanborn reported as Chairman of the Committee which was comprised of NAVSAC and NBSAC members (see Appendix I). The Committee had two taskings. The first was the result of an incident where a 21-foot recreational boat was struck, while anchored, by a tug and barge. Two people in the recreational boat were killed. One of the recommendations that came out of the Coast Guard's investigation was that:

The Coast Guard should further investigate if either the lack of a mast on smaller, power-driven recreational vessels (particularly those under 7 meters) or ignorance of the regulations is the reason for the common practice of not exhibiting ball shapes while at anchor. The goal should be to establish enforceable provisions that can be easily complied with by recreational vessels, even mastless ones.

The Committee was asked: Why do smaller, power-driven recreational vessels regularly not exhibit ball shapes while at anchor?

Rule 30(e) states that:

A vessel of less than 7 meters in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shapes prescribed in paragraphs (a) and (b) of this rule.

The Committee concluded that the main reason that the anchor ball is not displayed is that recreational boaters don't know that they need them. The only solution to the problem is to educate them.

Another reason offered was that anchor balls are not readily available. They are not included in the safety kits that people buy that go with their boats. It appears that the manufacturers don't know that these vessels still need to show that particular shape. Storage was suggested as a reason for not having them, and then determined not to be the problem. In addition, vessels are not designed for the shapes.

The Committee then discussed whether it would have made a difference if the recreational vessel had been displaying any anchor ball. The consensus was that the lack of an anchor ball was not a causative factor. It was usually a lack of situational awareness -- not realizing that they were anchoring in a high risk area used by deep-draft vessels for navigation. Other problems such as not maintaining a proper lookout were discussed. The following resolution was passed with two abstentions:

[96-02] While recognizing the need for compliance with the Rules of the Road and the role of education in achieving this compliance, NAVSAC and NBSAC do not believe that the benefits to safety that would be achieved by modifying the requirements for displaying anchor shapes are the best utilization of resources. Efforts should be directed toward improving situational awareness.

The second issue before the Committee was “whether recreational boats display the proper navigation lights when operating at night.” A former NAVSAC member advised that ninety percent of the recreational boats he observes at night have been operating without proper lighting. The most common error he observes “is a missing masthead (steaming) light. Runabouts and offshore or muscle boats often are not even fitted with these, while others, equipped with masts on hinged bases, simply lay them down out of the way. Sailboats, almost universally fitted with this light, often either don’t turn it on when motoring or turn on an anchor light.”

The Committee felt that recreational boaters know the light regulations and those that do not show the lights, do so by choice. A reason given for choosing not to show lights was that the glare, particularly from the all-around white light, interferes with night vision. The height of the mast on some of the older vessels results in the lights hitting boaters in their eyes.

Drug or alcohol abuse may affect a persons judgment in turning the lights on. They may just forget. There also appear to be specific geographic areas where the problems are more prevalent.

The Committee’s responses to the specific questions asked are as follows:

- (1) Is non-compliance a regular occurrence? Yes, although most comply, incidents of non-compliance is not unusual.
- (2) Is this a widespread problem? No, even though this is not a widespread problem, the occasional problem may represent a significant threat.
- (3) Why do people not comply?
 - alcohol and drugs
 - oversight
 - glare
 - choose not to
 - insects
 - battery/equipment problems
 - ignorance
 - not equipped
- (4) Are the Rules of the Road unclear? No, the Rules are very explicit.
- (5) Does the recreational boater know what the requirements are? Generally, yes.
- (6) Is it a lack of enforcement? This is a contributory problem. Lack of funding and lack of reporting are part of the enforcement problem.
- (7) Does manufacturing play a role in the ability of a boater to comply with the Rules? Yes, anecdotal evidence suggests there may be some problems which need to be identified and quantified.

The following joint resolution was passed with one abstention:

[96-03] Whereas there is anecdotal evidence that there may be a problem with proper display and installation of navigation lights, NAVSAC and NBSAC recommends that this be an agenda item for NBSAC at their next meeting, and that the Coast Guard consider referring this issue to appropriate organizations or agencies and NAVSAC, of course, would like to be kept up to date on the issue.

5. **OTHER BUSINESS**

Captain Stimatz continued Saturday's issue prioritization exercise by presenting, for member approval, issue focus statements based on their discussion of the issues and what they meant. After discussion and a few minor changes, the following issue focus statements were accepted:

ISSUE 1: Education/Certification

ISSUE FOCUS STATEMENT Improve navigation safety by increasing waterway users' knowledge of regulations, rules of the road, environment/ecology, area of operation and risk awareness. Improving waterway users' skills may be achieved by classroom instruction. In addition to on the water users, improvement in safety may be realized by educating waterway managers and politicians, as well as the non-boating community surrounding waterways.

ISSUE 2: Enforcement

ISSUE FOCUS STATEMENT Improve navigation safety by enforcing existing laws through coordination of federal, state and local jurisdictions. Safety must be the driving force behind enforcement, not the collection of penalties. Through a uniform system (comity of law) of enforcement presence on the water, it is expected that the boating community will be more likely to comply with safety regulations, based on their knowledge that they will be held accountable for their actions.

ISSUE 3: Uniformity

ISSUE FOCUS STATEMENT: Improve navigation safety through uniform law enforcement, signage, education, waterway use, and regulation.

ISSUE 4: Licensing

ISSUE FOCUS STATEMENT Improve navigation safety by establishing national standards for personal licensing (e.g., greater than x horsepower or greater than y feet, over z years of age) and boat rentals (similar to driver's license required for rental cars). Licensing requirements must include proof of operators knowledge of technology and how to use it.

ISSUE 5: Communications

ISSUE FOCUS STATEMENT Improve navigation safety by increased communication between recreational boaters and commercial vessels both on and off the water. Safety is linked to improved information vehicles, such as Notice to Mariners and the media, to provide information on product recalls and defects, signage, grants and other maritime related information. An essential safety element is real time communication between operators or vessels sharing the multiple use waterway.

ISSUE 6: Regulations

ISSUE FOCUS STATEMENT Improved navigation safety can be achieved through less complex and uniform regulations with fewer exemptions. Specific regulations are needed to regulate rental operations and control vessel speed and horsepower issues.

ISSUE 7: Conflict Resolution

ISSUE FOCUS STATEMENT Improve navigation safety and waterway access by establishing a forum to address congestion problems from multiple waterway users with competing interests. Resolving conflicts can be achieved through law enforcement, reviewing international solutions and scheduling waterway use by specific groups such as personal watercraft, swimmers, etc.

ISSUE 8: Planning

ISSUE FOCUS STATEMENT Improve navigation safety by strategic and contingency planning for the best use of the multiple use waterway with a focus on eliminating problems and avoiding conflicts between jurisdictions.

ISSUE 9: Funding

ISSUE FOCUS STATEMENT Improved navigation safety is linked to adequate, stable, and full funding as authorized. The outcome of full funding will provide adequate resources for priority programs, focusing on partnerships for regulation enforcement.

The following joint resolution was passed:

[96-04] NAVSAC and NBSAC accept the waterways management issue prioritization list, including issue focus statements, and recommends that they be used as future agenda items by any appropriate advisory council and be considered by the Coast Guard in developing policy and in coordinating its efforts with state and local waterways managers.

There was considerable discussion of the funding issue. Concerns were expressed that because funding appeared at the bottom of the list that it would be viewed as less important. That was not the case. Members recognize that without funding that nothing can be done. The focus of the prioritization exercise was navigation (recreational and commercial) safety and those issues that negatively impact it. They are all important, but can't all be number one.

The following joint resolution was passed with 4 members opposed and 3 abstentions:

[96-05] NAVSAC and NBSAC resolve that the Coast Guard and the U.S. Congress be informed that adequate stable funding to enable the accomplishment of the waterways management issues prioritization list is essential.

Captain MacFarland, NOAA, responded to several chart related questions. The question of electronic charts replacing the traditional paper chart was raised. Chris Young (Coast Guard) advised that the principle of allowing electronic information systems as a supplement or an equivalency for paper charts is likely to be adopted internationally this summer. Electronic chart equipment would have to meet or exceed the standards adopted by the International Maritime Organization (IMO) before it would be considered equivalent.

The importance of charts to recreational boaters was mentioned and concern expressed that NOAA would be producing new charts weighted on tonnage and ports. Captain MacFarland assured the group that while some charts were being eliminated, that charts would be maintained for recreational boaters.

Captain MacFarland raised the question of what happens when DGPS is used with older chart information. He says that in general, the position accuracy is within a mile. The concern is that people zoom in on the data thinking it is new and end up with computer assisted groundings. There is an error budget in that DGPS tells your position to within two meters, and the information on the chart was not gathered to that accuracy. NOAA needs to resurvey areas to support the DGPS position. Education is needed so that when people buy DGPS they are aware of this safety concern. There will be a source diagram on the chart to indicate how the data was obtained.

Commodore Ralph Overlander, U.S. Coast Guard Auxiliary (Leader, Directorate of Boating Safety) briefly described the recent organization of the Coast Guard Auxiliary. He advises that the reorganization should ensure Auxiliary presence at advisory council meetings.

NAVSAC Vice Chairman, Donald Sheetz facilitated a session to hear NBSAC's perspective on recent articles published in *The Waterways Journal* on Rule 9, Narrow Channels. He began the session with a demonstration using NAVSAC volunteers pretending to be vessels operating in a narrow channel. Mr. Sheetz then asked if NBSAC agreed with Captain Jack Ross; agreed with the people that wrote against him; and where they stood on the issue.

Brenda Bundy (NBSAC) started the comments by saying that when you are engaged in recreational boating that anybody with common sense knows that if they are bigger, they have the right of way. It does get confusing when the large vessel is in the middle of the channel and you are expecting it to stay on the side. The majority of the larger vessels will answer you on Channel 16 so you know what is going on.

Captain Martin Gould, representing 90 pilots on the Mississippi River between New Orleans and Baton Rouge, agreed that communication is the key to promote safety and to avoid confusion.

Chairman Selden (NBSAC) said this is a problem that the small boat (NBSAC) has not been confronted with. There is very little recreational boating on the Mississippi River and they basically concern themselves with larger waters such as San Francisco or Chesapeake Bays. NBSAC doesn't concern themselves with the tug and tow that has to make a wide sweep around the corner. He stated that in most instances the recreational boat would have sufficient power to recognize that problem and get out of the way. They are instructed in public classes that the large container ships are, in limited channels the right of way vessel and the best thing to do is stay away from them.

Captain McKamie (NAVSAC) stated that from an experience and legal point of view, the author of the article should be referred back to the rule because it says you should keep to the right side of the channel as is safe and practical. In many narrow channels, just the sheer forces make keeping to the right impossible. You would be all over the channel, so it is not practical to stay to the right. You can stay in the center. The author doesn't seem to be familiar with shiphandling as there are certain dynamics in narrow channels where you cannot stay to the right.

Captain Nesbitt (NAVSAC) agreed with Captain McKamie and offered an example. He also addressed Ms. Bundy's (NBSAC) issue about communication and pointed out that commercial vessels are required to monitor three radios which makes communication with recreational boats difficult.

Commander Sanborn (NAVSAC) stressed the importance of telling the vessel you are contacting what channel you are on so they can call you back. It is difficult to tell which of the three radios a call is on and which frequency it is being broadcast.

Chairman Selden (NBSAC) took exception to Captain Ross' article where he says "to expect pleasure craft to simply stay out of the way of commercial traffic is unrealistic and would not be legal in any case." Captain Ross is making statements that "small boats have rights under the Rules of the Road just as the large ones do and evasive maneuvers should not be part of the plan with other vessels." Mr. Selden said that small boat operators are taught to stay out of the way of large craft. The statement is totally incorrect. It is legal. Small boaters have no rights in a narrow channel in conflict with larger craft. That is taught throughout the boating safety program. Mr. Selden thinks a lot of his article is incorrect.

Ms. Hutto (NAVSAC) stated her belief that Captain Ross misinterpreted the rule and may have caused confusion in the process.

Captain Nesbitt (NAVSAC) said that Captain Ross' article is a perfect example of why we need to educate waterway users. The discussion of The Waterways Journal articles continued in NAVSAC's afternoon plenary session.

To address member concerns that technology was not adequately reflected in the list of priorities which focused on waterway management issues, the following resolution was proposed and passed:

[96-06] NAVSAC and NBSAC having jointly agreed on a prioritized list of waterways management issues to be addressed in the future and have recognized the need for full, stable funding, the Councils hereby jointly also agree that every effort should be made to utilize existing and emerging technologies to enhance navigation safety infrastructure, program management, and education.

The joint session ended with closing remarks by Chairmen Fugaro (NAVSAC) and Selden (NBSAC), and Rear Admiral Peschel. The meeting adjourned at 12:00 noon.

Chairman Fugaro called the NAVSAC plenary session to order at 1 p.m. on April 29, 1996.

Mr. Christopher Young provided a brief overview of the notice of proposed rulemaking on "Implementation of 1995 STCW amendments." NAVSAC has previously provided input on these amendments and had several questions about the NPRM. The closing date for comments is July 24 and the members expressed interest in submitting NAVSAC comments as a Council. Captain

Pillsbury volunteered to draft the response which would be distributed to members for comment prior to submission to the docket.

Don Sheetz resumed his facilitator role to discuss and come to resolution The Waterway Journal articles on Rule 9. He felt that Rule 9 is clear and asked NAVSAC members for their views.

Captain Pillsbury started the discussion by proposing that it is a “non-issue”, “nothing to discuss”, Rule 9 should stay as-is.” This led to discussion of whether the articles had caused confusion and whether action was needed to set the record straight.

There was consensus that Rule 9 works and should not be changed. However, the question was raised as to whether the lack of a definition of “narrow channel” confused mariners. Courts have defined narrow channels as 1,000 feet and 1,200 feet and over not a narrow channel. Commander Sanborn suggested that NAVSAC should recommend a definition of “narrow channel” to the Coast Guard. This suggestion was not embraced by the other members.

Al Cattalini felt that Captain Ross read part of Rule 9 and ignored the other parts. The rules are a body to be viewed comprehensively. After some discussion of the best way to close this issue, the Council passed the following resolution:

[96-07] NAVSAC feels that it (Jack Ross article The Waterways Journal regarding Rule 9, Narrow Channel) is a non-issue, that Rule 9 is clear, and that the Coast Guard can respond accordingly.

The Council then called the issue of amending Inland Rule 1 to incorporate by reference the International Yacht Racing Rules back to the table. The Council agreed that elevating the racing rules to the level of being Rules of the Road and statutory law is not appropriate. The impact of “incorporation by reference” would put a rule into the Rules of the Road that would delegate them to write yacht racing rules which would have the force of law as Rules of the Road. You would have a group of people, who are not part of the legislative process, developing rules every 4 years. The Council passed the following resolution:

[96-08] NAVSAC rejects the U.S. Sailing Association’s request to amend Inland Rule 1 to reference the International Yacht Racing Rules and asks the Coast Guard to respond accordingly.

6. NEW BUSINESS

Captain Pillsbury expressed concern that there was duplication of effort in the Coast Guard, as well as in the advisory councils, at a time when resources are scarce. This generated considerable discussion and Rear Admiral Peschel suggested that two NAVSAC members meet with Rear Admiral Card (new NAVSAC sponsor and part of the group at Coast Guard Headquarters involved with reorganization) to identify these concerns. This was acceptable to the Council

Captain Grover keeps hearing bits and pieces about Marine Board studies being conducted with Coast Guard grants. She asked the Coast Guard to provide a complete list of what grants are being worked on from all the Divisions in Coast Guard. This will help meet PTP goals.

Al Cattalini brought up the issue of providing input to the new edition of the Federal Radionavigation Plan which Commander Taggart discussed in his Saturday morning brief. The Council passed the following resolutions:

[96-09] NAVSAC recognizes the need to establish minimum performance criteria characterizing the inland maritime navigation requirements, and the Council will cooperate with the Coast Guard for the establishment of these criteria as they pertain to the development of the 1996 Federal Radionavigation Plan. (one member opposed)

[96-10] NAVSAC concurs with the Coast Guard plan to continue the Loran-C service through the year 2000 for maritime use and that the resolution be forwarded to the Department of Transportation's Policy and Planning Office, which is coordinating the development of the 1996 Federal Radionavigation Plan. NAVSAC recommends that the Federal Government revise the Federal Radionavigation Plan to include Loran-C or its equivalent until such time that GPS is determined to be 100% fail-safe.

7. **ADMINISTRATIVE MATTERS**

Dates and location of the next meeting were discussed. Members did not want to meet over the Veterans Day weekend as we did last year and agreed to November 16-18, 1996, for the next meeting. Member choices of locations are New Orleans, Tampa, or Houston. Members were advised that budgetary constraints may force a Washington, DC meeting location.

8. **FUTURE AGENDA ITEMS**

Stephen Hung asked for a briefing on the Coast Guard's port state control inspections at the next meeting. It was suggested, and the Coast Guard agreed, that available information be sent in advance of the meeting.

Briefing on the outcome of the meeting with Rear Admiral Card to address NAVSAC's concerns on duplication of effort, will brief the other members at the next meeting on the outcome.

9. **ADJOURNMENT**

Chairman Fugaro adjourned the meeting at 4 p.m.

Prepared by:

Diane S. Appleby
Executive Secretary
Navigation Safety
Advisory Council

and

Margie G. Hegy
Executive Director
Navigation Safety
Advisory Council

Approved by:

Anthony F. Fugaro
Chairman
Navigation Safety Advisory Council

APPENDIX I
LIST OF ATTENDEES

NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC)
NATIONAL BOATING SAFETY ADVISORY COUNCIL (NBSAC)

PLENARY SESSION
SATURDAY, APRIL 27, 1996

NAVSAC Members Present:

Anthony F. Fugaro, Chairman
H. Ann Adams
Alvin Cattalini
Vincent J. Fumo
Martha R. Grabowski
Rodney Gregory
Gretchen Grover
Stephen C. Hung
Betty Hutto
Reginald E. McKamie, Sr.

Michael P. Nesbitt
Charles R. Pillsbury
John Ralston, Jr.
F. Eugene Reil
Allison B. Ross
Ann Sanborn
Donald J. Sheetz
Mitchell S. Stoller
Gary E. Welsh

NAVSAC Members Absent:

Pamela Hom

Mickey DeHart

NBSAC Members Present

William D. Selden, Chairman
Susan Balistreri
John R. Banuelos
Lyle Belknap
Morris S. Blackistone
Olive G. Browning
Brenda M. Bundy
Wilburn A. Campbell, Jr.
Martha H. Curtis
Marion Irving deCruz
Elaine L. Dickinson

Randolph W. Dill
Kim A. Elverum
Roger F. Hagie
Jean-Jacques Marie
Pamella E. Patterson
Don R. Pope
Larry G. Rhinehart
James A. Snyder
Bonnie L. Todtenhagen
Carlos Vaca

COAST GUARD AND PUBLIC ATTENDEES

Rear Admiral Rudy K. Peschel, Coast Guard Headquarters, Sponsor

Margie G. Hegy, Coast Guard Headquarters, NAVSAC Executive Director.

Albert J. Marmo, Coast Guard Headquarters, NBSAC Executive Director

Diane Schneider-Appleby, Coast Guard Headquarters, NAVSAC Executive Secretary

Dean Klinger, Coast Guard Headquarters, NBSAC Executive Secretary

Captain J. A. Stimatz, Coast Guard Headquarters, Chief, Boating Safety Division

Captain George Wright, Coast Guard Headquarters, Chief, Design and Engineering Standards Division

Captain James MacDonald, Chief, Operations Division, Eleventh Coast Guard District, Long Beach, CA

Captain Terrence Hart, Commander, Group San Francisco

Commander H. H. Sharpe, Chief, Aids to Navigation Branch, Eleventh Coast Guard District, Long Beach

Lieutenant Commander Douglas Taggart, Coast Guard Headquarters, Chief, Radionavigation Division

Edward J. LaRue, Jr., Coast Guard Headquarters, Vessel Traffic Management Division

Lieutenant Chris Nettles, Coast Guard Headquarters, Vessel Traffic Management Division

Christopher Young, Coast Guard Headquarters, Operating and Environmental Standards Division

Captain David MacFarland, NOAA, Office of Coast Survey, Silver Spring, MD

Vincent Rossi, Senator Fumo's office, Philadelphia, PA

Jim Kennedy, EMPCO-LITE, Elgin, IL

Captain Alan S. Richard, Florida Marine Patrol, Tallahassee, FL

Nancy Wagner, San Francisco Bar Pilots, MERPAC Liaison

David Chapman, San Francisco Bar Pilots

Daniel Larwood, San Francisco Bar Pilots

Harvey Wade, Transport Canada, Ottawa

Peter O'Connell, National Water Safety Congress, Pennsylvania

Kathleen Warke, JM Lamm Associates, Allentown, PA

Jay McBride, National Marine Manufacturers Association, Chicago, IL

Paul Kirchner, American Pilots Association

Martin Gould, New Orleans-Baton Rouge Pilot

Clay Mock, U.S. Sailing Association, Cleveland, OH

Phil Keeter, MRAA, Chicago, IL

Skip Moyer, ABYC, Edgewater, MD

Commodore Ralph Overlander, Coast Guard Auxiliary

APPENDIX I
LIST OF COMMITTEE MEETING ATTENDEES

NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC)
NATIONAL BOATING SAFETY ADVISORY COUNCIL (NBSAC)
APRIL 28, 1996

Committee: *Prevention Through People*

Chairman: Michael Nesbitt

NAVSAC Members

Allison Ross
Gary Welsh
Gretchen Grover
Stephen Hung
Betty Hutto
Martha Grabowski
Mitchell Stoller

NBSAC Members

John Banuelos
Lyle Belknap
Morris Blackistone
Wilburn Campbell
James Snyder
Marion Irving de Cruz

U.S Coast Guard Representatives:

Captain George Wright
Lieutenant Chris Nettles

Others attending:

Peter O'Connell
Martin Gould
David MacFarland
Paul Kirchner
H. H. Sharpe

Committee: *Vessel Visibility and Identification Committee*

Chairman: Ann Sanborn

NAVSAC Members

Reginald McKamie
Donald Sheetz
F. Eugene Reil
Al Cattalini
Rodney Gregory
Ann Adams
Charles Pillsbury
John Ralston

NBSAC Members

Olive Browning
Bonnie Todtenhagen
Kim Elverum
Don Pope
Elaine Dickinson

U.S. Coast Guard Representative: Ed LaRue

Others attending

Harvey Wade
Chris Young
Jim Kennedy
Nancy Wagner
Alan Richard
Vince Rossi

NAVSAC Members Absent

Mickey DeHart
Vincent Fumo
Pamela Hom

APPENDIX I
LIST OF ATTENDEES
NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC)
NATIONAL BOATING SAFETY ADVISORY COUNCIL (NBSAC)
JOINT PLENARY SESSION
MONDAY MORNING, APRIL 29, 1996

NAVSAC Members Present

Anthony F. Fugaro, Chairman
Alvin Cattalini
Rodney Gregory
Gretchen Grover
Stephen Hung
Betty Hutto
Reginald E. McKamie, Jr.
Michael P. Nesbitt

Charles R. Pillsbury
John Ralston, Jr.
F. Eugene Reil
Allison B. Ross
Ann Sanborn
Donald J. Sheetz
Mitchell S. Stoller
Gary E. Welsh

NAVSAC Members Absent

H. Ann Adams
Vincent Fumo
Pamela Hom

Mickey DeHart
Martha Grabowski

NBSAC Members Present

William D. Selden, Chairman
Susan Balistreri
John R. Banuelos
Lyle Belknap
Morris S. Blackistone
Olive G. Browning
Brenda M. Bundy
Wilburn A. Campbell, Jr.
Martha H. Curtis
Marion Irving de Cruz

Elaine L. Dickinson
Kim A. Elverum
Roger F. Hagie
Pamella E. Patterson
Don R. Pope
Larry G. Rhinehart
James A. Snyder
Bonnie L. Todtenhagen
Carlos Vaca

NBSAC Members Absent

Randolph W. Dill

Jean-Jacques Marie

COAST GUARD AND PUBLIC ATTENDEES

Rear Admiral Rudy K. Peschel, Coast Guard Headquarters, Sponsor

Margie G. Hegy, Coast Guard Headquarters, Executive Director, NAVSAC

Albert J. Marmo, Coast Guard Headquarters, Executive Director, NBSAC

Diane Schneider-Appleby, Coast Guard Headquarters, Executive Secretary, NAVSAC

Dean Klinger, Coast Guard Headquarters, Executive Secretary, NBSAC

Captain J. A. Stimatz, Coast Guard Headquarters, Chief, Boating Safety Division

Lieutenant Commander Douglas S. Taggart, Coast Guard Headquarters, Chief, Radionavigation Division

Edward R. LaRue, Coast Guard Headquarters, Vessel Traffic Management Division

Lieutenant Christopher Nettles, Coast Guard Headquarters, Vessel Traffic Management Division

Chris Young, Coast Guard Headquarters, Operating and Environmental Standards Division

Richard Rounsevell, Coast Guard Headquarters, Boating Safety

Captain David MacFarland, NOAA, Office of Coast Survey, Silver Spring, MD

Vincent Rossi, Senator Fumo's Office, Philadelphia, PA

Martin Gould, New Orleans-Baton Rouge Pilot

John Porter, Nautical Institute

Alan Richard, Florida Marine Patrol, Tallahassee, FL

APPENDIX I
LIST OF ATTENDEES
NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC)
PLENARY SESSION
MONDAY AFTERNOON, APRIL 29, 1996

NAVSAC Members Present

Anthony F. Fugaro, Chairman
Alvin Cattalini
Rodney Gregory
Gretchen Grover
Stephen Hung
Betty Hutto
Reginald E. McKamie, Sr.
Michael P. Nesbitt

Charles R. Pillsbury
John Ralston, Jr.
F. Eugene Reil
Allison B. Ross
Ann Sanborn
Donald J. Sheetz
Mitchell S. Stoller
Gary E. Welsh

NAVSAC Members Absent

H. Ann Adams
Vincent Fumo
Pamela Hom

Mickey DeHart
Martha Grabowski

COAST GUARD AND PUBLIC ATTENDEES

Rear Admiral Rudy K. Peschel, Coast Guard Headquarters, Sponsor

Margie G. Hegy, Coast Guard Headquarters, Executive Director

Diane Schneider-Appleby, Coast Guard Headquarters, Executive Secretary

Lieutenant Commander Douglas S. Taggart, Coast Guard Headquarters, Chief, Radionavigation Division

Edward R. LaRue, Coast Guard Headquarters, Vessel Traffic Management Division

Lieutenant Chris Nettles, Coast Guard Headquarters, Vessel Traffic Management Division

Chris Young, Coast Guard Headquarters, Operating and Environmental Standards Division

Alan Richard, Florida Marine Patrol, Tallahassee, FL

Jim Kennedy, EMPCO-LITE, Elgin, IL

Harvey Wade, Transport Canada, Ottawa

Keith Stahnke, Blue and Gold Fleet, San Francisco, CA

Nancy Wagner, San Francisco Pilot, MERPAC Liaison

Martin Gould, New Orleans-Baton Rouge Pilot

Vincent Rossi, Senator Fumo's Office, Philadelphia, PA

APPENDIX III
ISSUE PRIORITIZATION EXERCISE DISCUSSION GROUPS

NAVIGATION SAFETY ADVISORY COUNCIL (NAVSAC)
NATIONAL BOATING SAFETY ADVISORY COUNCIL (NBSAC)

SATURDAY AFTERNOON, APRIL 27, 1996

WATERWAY MANAGER PERSPECTIVE

Facilitator: Margie Hegy

NAVSAC Members

Ann Adams
Al Cattalini
Rodney Gregory
Stephen Hung
Michael Nesbitt
Ann Sanborn
Don Sheetz

NBSAC Members:

Roger Hagie
Bonnie Tødtenhagen
John Banuelos
Don Pope
Elaine Dickinson
Pamella Patterson
Larry Rhinehart

RECREATIONAL BOATER PERSPECTIVE

Facilitator: Albert J. Marmo

NAVSAC Members:

Vincent Fumo
Gretchen Grover
Betty Hutto
John Ralston
Gene Reil
Mitchell Stoller
James Snyder

NBSAC Members:

Morris Blackistone
Wilburn Campbell
Martha Curtis
Randolph Dill
Kim Elverum
Marion Irving de Cruz

COMMERCIAL VESSEL OPERATOR PERSPECTIVE

Facilitator: Diane Appleby

NAVSAC Members

Tony Fugaro
Martha Grabowski
Reginald McKamie
Charles Pillsbury
Allison Ross
Gary Welsh

NBSAC Members:

Susan Balistreri
Lyle Belknap
Olive Browning
Brenda Bundy
Jean-Jacques Marie
Carlos Vaca